

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1507-SLR
	)	
BATH & BODY WORKS, INC.; LIMITED	)	
BRANDS, INC.; KAO BRANDS CO.	)	
(f/k/a THE ANDREW JERGENS	)	
COMPANY); and KAO CORPORATION	)	
	)	
Defendants.	)	

**OBJECTIONS TO DEFENDANT KAO BRANDS COMPANY'S  
NOTICE OF DEPOSITION OF PHILIP A. LOW**

Non-party Philip A. Low and plaintiff LP Matthews, L.L.C. object to defendant Kao Brands Company's November 16, 2005 Notice of Deposition under Fed. R. Civ. P. 30 (D.I. 124). Mr. Low is not a party to this action. Nor is he an officer of plaintiff LP Matthews. Accordingly, he cannot be deposed pursuant to Rule 30 alone. Finally, subpoena(s) under Rule 45 served on Mr. Low, which appear to be related to the notice, do not comply with the Federal Rules of Civil Procedure or the Local Rules of the District of Colorado because, among other things, the issuing authority did not confer with the non-party or his attorney prior to service.

ASHBY & GEDDES

*/s/ Lauren E. Maguire*

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and non-party Philip A. Low*

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Dated: January 11, 2006  
165531.1

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of January, 2006, the attached **OBJECTIONS TO DEFENDANT KAO BRANDS COMPANY'S NOTICE OF DEPOSITION OF PHILIP A. LOW** was served upon the below-named counsel of record at the address and in the manner indicated:

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*/s/ Lauren E. Maguire*

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Lauren E. Maguire